IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2007

CORAM

THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

C.R.P.NPD.NO.296 OF 2006
AND
C.M.P.NO.2712 OF 2006

Manharlal J.Parekh .. Petitioner

Vs.

V.L.Narayanan .. Respondent

This civil revision petition has been preferred under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18 of 1960 amended by Act 23 of 1973 and Act 1 of 80 against the fair and decreetal order, dated 6.12.2005 passed in RCA No.163 of 2005 on the file of the VIII small Causes Court, Chennai, confirming the fair and decreetal order, dated 18.1.2005 passed in M.P.No.800 of 2004 in RCOP No.1706 of 2003 on the file of the XIV Small Causes Court, Chennai.

For Petitioner : Mr.A.Thiagarajan

For Respondent : Mr.P.B.Ramanujam

ORDER

This civil revision petition has arisen from the order of dismissal of RCA No.163 of 2005, whereby the miscellaneous petition filed by the tenant/revision petitioner before the Rent Controller in RCOP No.1706 of 2003, seeking fixation of fair rent, was dismissed.

2.The M.P. was filed for reception of additional counter by the tenant and the same was dismissed. Aggrieved the tenant took it on appeal in RCA No.163 of 2005 and the RCA was also dismissed. Aggrieved the tenant has brought forth this revision petition before this court.

3.The court heard the learned counsel on either side. Now, it is brought to the notice of the court that the Rent Control proceedings for fixation of fair rent is yet pending before the Rent Controller in RCOP No.1706 of 2003. The court feels no impediment that the contentions in the additional counter could

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also be raised and heard by the Rent Controller at the time of final hearing of RCOP. With the above observation, the Rent controller is also directed to dispose of the RCOP for the fixation of fair rent, as one warrant in law, within a period of three months from the date of receipt of copy of this order. Accordingly, this civil revision petition is disposed of. No costs. Consequently, connected CMP is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vvk

To

1.VIII Judge,
Small Causes court,
Madras.

2.XIV Judge,
Small Causes court,
Madras.

1 cc to Mr.P.B.Ramanujam, Advocate, sr. 33867

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